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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,959	12/26/2001	Eliav Zipper	P-4656-US	2163

27130 7590 12/16/2004

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EXAMINER
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BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/025,959

Applicant(s)

ZIPPER, ELIAV

Examiner

Sam Bhattacharya

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0827287 A2 to Myllymaki et al. in view of Jones et al. (U.S. Patent 6,057,765).

As to claim 1, Figure 3 in Myllymaki shows a portable communication device comprising: a level indicator (28) to provide an indication of a transmitted power level of a cellular phone transmitter in the portable communication device (see Col. 3, line 29 to Col. 4, line 13).

Myllymaki fails to disclose a level indicator including two or more bars to display approximated transmitted power level. However, Jones et al. disclose a transceiver that includes a level indicator that uses two or more bars 36, 38 and 40 to display approximated transmitted power level. See FIG. 9 and col. 13, lines 15-19. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Myllymaki wherein the indication comprises two or more bars, as taught by Jones et al., in order to give a visual display of signal strength for different time slots.

As to claim 2, the Myllymaki reference discloses the portable communication device of claim 1, further comprising a comparator (26) to provide a signal to the level indicator if the transmitted power level is above a threshold (see Figure 3 and Col. 3, lines 42-49).

As to claim 3, the Myllymaki reference discloses the portable communication device of claim 2, wherein the indication comprises an audible sound (see Col. 4, lines 14-21).

As to claim 4, the Myllymaki reference discloses the portable communication device of claim 2, wherein the indication comprises a light (see "light-emitting diode 30" in Col. 4, lines 5-9).

As to claim 6, the Myllymaki reference discloses the portable communication device of claim 2, further comprising a vibrator to indicate the transmitted power level (see Col. 4, lines 25-27).

3. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0827287 A2 to Myllymaki et al. in view of Skarby (U.S. Patent 6,334,050) and further in view of Gould et al. (U.S. Patent 6,134,445).

As to claim 7, Figure 3 in Myllymaki shows a portable communication device comprising:

a level indicator (28) to provide an indication of a transmitted power level of a cellular-phone transceiver when the transceiver is in a transmitting mode (see Col. 3, line 29 to Col. 4, line 13). However, it does not disclose a Global System for Mobile communication (GSM) cellular-phone transceiver and to provide an indication of a received signal strength of the cellular phone transceiver when the transceiver is in a receiving mode. The Skarby reference

teaches a Global System for Mobile communication (GSM) cellular-phone transceiver (“this inventive method of controlling the power will be explained with respect to a Time Division Multiple Access (TDMA) system of the GSM type” (Col. 6, lines 37-39). See also Abstract and Figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Myllymaki to comprise a Global System for Mobile communication (GSM) cellular-phone transceiver, as taught by Skarby, in order to use the device in a GSM mobile radio system.

However, Myllymaki-Skarby does not disclose providing an indication of a received signal strength of the cellular phone transceiver when the transceiver is in a receiving mode. The Gould reference teaches disclose providing an indication of a received signal strength of the cellular phone transceiver when the transceiver is in a receiving mode (see Figures 7 and 8 and Col. 5, lines 1-13, “bar graph of the signal strength”).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Myllymaki-Skarby to provide an indication of a received signal strength of the cellular phone transceiver when the transceiver is in a receiving mode, as taught by Gould, in order to give a visual display of power level of incoming signals.

As to claim 8, Myllymaki-Skarby-Gould discloses the portable communication device of claim 7. The Myllymaki reference further discloses:

a comparator (26) to determine whether the transmitted power level is equal to or above a threshold and to provide a signal to the level indicator (see Figure 3 and Col. 3, lines 42-49).

As to claim 9, Myllymaki-Skarby-Gould discloses the portable communication device of claim 8. The Myllymaki reference further discloses the indication comprises an audible sound (see Col. 4, lines 14-21).

As to claim 10, Myllymaki-Skarby-Gould discloses the portable communication device of claim 8. The Myllymaki reference further discloses the indication comprises a light (see “light-emitting diode 30” in Col. 4, lines 5-9).

As to claim 11, Myllymaki-Skarby-Gould discloses the portable communication device of claim 7. The Gould reference further discloses the indication comprises a graphical meter display (see Figures 7 and 8 and Col. 5, lines 1-13, “bar graph of the signal strength”).

As to claim 12, Myllymaki-Skarby-Gould discloses the portable communication device of claim 7. The Myllymaki reference further discloses a vibrator to indicate the transmitted power level (see Col. 4, lines 25-27).

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments with respect to claims 7-12 are not persuasive.

Jones et al. is used as the new grounds of rejection for claims 1-4, as amended.

With respect to claims 7-12, Applicant argues that the Office Action fails to provide a prima facie showing of how either of the applied references disclose or suggest a single level indicator that provides an indication of transmitted power level in the transmitting mode and an indication of a receiving signal strength in the receiving mode.

Examiner respectfully disagrees. As explained in the rejection, Examiner relies on the Myllymaki reference for the indication of transmitted power level and the Gould reference for received power level. One skilled in the art would have been motivated to combine the teachings of Myllymaki and Gould to achieve a single indicator providing both the transmitted and received power levels to save space. Achieving a single indicator for both purposes is not an inventive step since both functionalities are taught by these references.

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

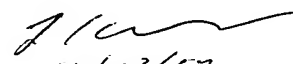
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (703) 605-1171. The examiner can normally be reached on weekdays 8:30 a.m. to 6:00 p.m., first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (703) 305-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sb

  
12/13/07  
LESTER G. KINCAID  
PRIMARY EXAMINER